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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

FRANCISCO J. ZAMORA, on behalf
of himself and all others similarly
situated, and the general public,

Plaintiff,

V.

PROPAK LOGISTICS, LLC, and
Arkansas corporation; and DOES 1
through 50, inclusive,

Defendants.

| Case No.: 2:23-cv-02534-JDP

[Assigned to District Judge, Daniel J. Calabretta]

**JOINT STIPULATION TO
DISMISS PLAINTIFF'S CLASS
CLAIMS WITHOUT PREJUDICE
AND SET FURTHER
CONFERENCE RE REMAINING
INDIVIDUAL CLAIMS; AND
ORDER**

Complaint Filed: September 13, 2023
Removal Date: November 2, 2023

1 Plaintiff FRANCISCO J. ZAMORA (“Plaintiff”) and Defendant PROPAK
2 LOGISTICS, LLC (“Defendant”) (collectively, “Parties”) submit the following
3 Joint Stipulation to Dismiss Plaintiff’s Class Claims without Prejudice.

4 WHEREAS, the Parties participated in mediation with mediator Brandon
5 McKelvey on May 30, 2024 with related case, *Roberts v. Propak Logistics, LLC*
6 U.S. District Court for the Eastern District of California, Case No. 2:24-cv-00008-
7 DJC-JDP (removed from Tehama County Superior Court, Case No. 23CI-000324).
8 A proposed settlement of the suits against Defendant was achieved subject to a
9 formal, written agreement between the Parties .

10 WHEREAS, counsel for Zamora have been unable to locate Mr. Zamora to
11 obtain consent to settle and dismiss the *Zamora* matter as part of the settlement of
12 the suits.

13 WHEREAS, the allegations in the *Roberts* matter largely overlap the
14 allegations in the *Zamora* matter, and the Parties are meeting and conferring on
15 potentially settling the *Roberts* matter and dismissing the *Zamora* matter without
16 prejudice.

17 WHEREAS, as part of the attempt to finalize the Memorandum of
18 Understanding and draft a long-form settlement agreement, Defendant and counsel
19 for Plaintiff agree that class claims for Plaintiff Zamora be dismissed without
20 prejudice.

21 WHEREAS, Defendant and counsel for Plaintiff agree that, pursuant to the
22 proposed agreement reached at the mediation, that the *Zamora* class claims will no
23 longer be viable, and the class claims are no longer necessary to compensate the
24 class(es) outlined in the *Zamora* Complaint.

25 WHEREAS, the Parties request this Court dismiss Plaintiff’s class claims
26 **without prejudice**, and the Court set an order to show cause or other hearing to set
27 a procedure to determine the status of Zamora’s continuing individual claims.

1 **DEFENDANT AND COUNSEL FOR PLAINTIFF DO HEREBY
2 STIPULATE, SUBJECT TO THE COURT'S APPROVAL AND ORDER, AS
3 FOLLOWS:**

4 The class action claims and allegations be dismissed without prejudice and
5 the Court set a further conference to determine the remaining allegations of
6 Plaintiff.

7 IT IS SO STIPULATED.

8

9 Dated: October 16, 2024

D.LAW, INC.

10 */s/ Kevin Burns*

11 Emil Davtyan
12 David Yeremian
13 David Keledjian
14 Kevin Burns
15 Attorneys for Plaintiff
16 FRANCISCO J. ZAMORA

17 Dated: October 16, 2024

LITTLER MENDELSON, P.C.

18 */s/ James E. Hart*

19 James E. Hart
Alejandra Gallegos
Attorney for Defendant
20 PROPAK LOGISTICS, LLC

ORDER

Having received and considered the stipulation between Defendant and attorneys for Plaintiff in *Zamora v. Propak Logistics, LLC*, Case No.: 2:23-cv-02534-JDP, regarding dismissal of the putative class claims without prejudice and setting a further status conference to determine remaining individual allegations of Plaintiff, IT IS HEREBY ORDERED as follows:

- 1) The class action claims and allegations in the case are dismissed without prejudice;
 - 2) Plaintiff shall file an amended Complaint deleting the class action claims and allegations within 10 court days of this Order;
 - 3) Defendant's answer on file shall be deemed the answer to the amended complaint; and
 - 4) The Court sets a further Status Conference on November 7, 2024 at 1:30 PM to determine procedures for the remaining individual allegations of Plaintiff.

IT IS SO ORDERED.

Dated: October 16, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE